

## **REMARKS**

### **Amendment to Claims**

The claims have here been amended to better express the invention.

### **Reasons for Withdrawal of Restriction**

MEPE 806.05(e) provides, a “process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process *as claimed* can be practiced by another materially different apparatus or by hand; or (B) that the apparatus *as claimed* can be used to practice another materially different process.” Here, restriction of the process and the apparatus for its practice is improper because the process as claimed cannot be practiced by another materially different apparatus or by hand, and the apparatus as claimed cannot be used to practice another materially different process.

The apparatus of the present invention can only be used to practice the method as claimed. Group I, claims 1 to 8, is generally directed to a method of producing a preform from synthetic quartz glass in which a media flow is supplied to a multi-nozzle deposition burner and focused by the deposition burner towards a plasma zone as the SiO<sub>2</sub> particles are deposited on a deposition surface. Group II, claims 9 to 21, is generally directed to an apparatus for producing a preform from synthetic quartz glass in which a multi-nozzle deposition burner is provided with a media nozzle supplying a media flow to a plasma zone, with the media nozzle configured to focus the media flow towards the plasma zone.

In the apparatus of Group II, the media nozzle of the deposition burner is configured to focus toward the plasma zone. Therefore, if the burner is used, the media flow is focused by the

deposition burner towards the plasma zone, as generally described in the method claims of Group I.

Furthermore, the method of one or more claims of Group I (see, e.g., claim 2), can only be practiced with an apparatus generally as claimed. As recited in claim 2, the media flow is focused by a media nozzle of the multi-nozzle deposition burner toward the plasma zone.

Therefore, this method must be practiced using a multi-nozzle deposition burner configured to focus the media flow towards the plasma zone, as claimed in the apparatus claims of Group II.

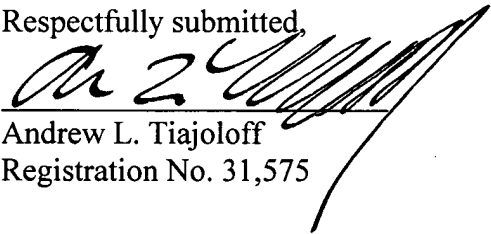
Restriction of the present application claims is therefore improper, and reconsideration thereof is respectfully requested.

Should any questions arise, the Patent Office is invited to telephone attorney for applicants at 212-490-3285.

Tiajolloff & Kelly  
Chrysler Building, 37<sup>th</sup> floor  
405 Lexington Avenue  
New York, NY 10174

tel. 212-490-3285  
fax 212-490-3295

Respectfully submitted,

  
Andrew L. Tiajolloff  
Registration No. 31,575